

REMARKS

A Request for Continued Examination, and the requisite fee, accompany this paper for the purpose of removing the finality of the pending Office Action. It is accordingly requested that the above-noted claim amendments be entered and considered on the merits.

Claims 1 through 21 are in the application, with Claims 1, 7, 17, 19 and 21 having been amended. Claims 1, 7, 17, 19 and 21 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 U.S.C. 103(a)

Claims 1-5 and 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Internal Revenue Service Issues Guidance on Popular Equity-Linked Financial Products” by Shearman & Sterling LLP (hereinafter “Shearman”) in view of “Information to Evaluate an Adjustable Rate Mortgage” (hereinafter “ARM”). Similar rejections are also pending against claims 6 and 19-21.

In the Advisory Action issued herein on July 3, 2008, the Examiner stated that he had not taken into consideration the applicants’ argument¹ that the combination of steps recited in claim 1 produced unpredictable results. The Examiner stated that he took this position because Tier 1 capital was not recited in the claim.

Claim 1 has now been amended to recite that the unit referred to in claim 1 is treated as Tier 1 capital. Support for the amendment is found, for example, at page 5, lines 18-29 and page 2, lines 11-27 of the specification of the present application.

Accordingly, applicants respectfully request that the Examiner give full faith and credit to the point that the steps recited in claim 1 produce an unpredictable result, and applicants therefore submit that the rejection of claim 1 should be reconsidered and withdrawn.

The other independent claims, which are claims 7, 17, 19 and 21, have been amended in the same fashion as claim 1, and are submitted as patentable on the same basis as claim 1. The

¹ Made at page 3, lines 10-14 of the Response filed herein on June 20, 2008.

dependent claims, in turn, are submitted as patentable on the same basis as the independent claims.

C O N C L U S I O N

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

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Date

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